Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
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No. 88-148

IN THE
Supreme Court of the United States
OCTOBER TERM, 1989

SOUTHERN NATURAL GAS COMPANY,
Petitioner,
v.
JOSEPH F. FRITZ, *et al.*,
Respondents.

On Petition for a Writ of Certiorari to the Supreme Court of Mississippi

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SUPPLEMENTAL BRIEF FOR RESPONDENTS

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September 14, 1989

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SUPPLEMENTAL BRIEF FOR RESPONDENTS

Respondents request that the Court deny Southern Natural Gas Company's ("Southern") petition for a writ of certiorari, seeking review of the Mississippi Supreme Court's opinion in this case. Following the Fifth Circuit's decision in *Fritz v. FERC*, 876 F.2d 1224 (5th Cir. 1989), the Solicitor General has joined in our request. *See* Supplemental Memorandum for the United States and the Federal Energy Regulatory Commission as *Amici Curiae*. We concur in the filing by the Solicitor General, with one addition.

The Solicitor General's Supplemental Memorandum notes that on August 25, 1989, Southern filed a petition for rehearing in *Fritz v. FERC*. That petition remained pending before the court of appeals at the time of the filing of the Solicitor General's Supplemental Memoran-

dum. On September 5, 1989, the Fifth Circuit issued a *per curiam* order denying Southern's petition for rehearing. A copy of the order appears in the attached Appendix to this Supplemental Brief.

Because of the Fifth Circuit's decision, Southern no longer is subjected to the alleged conflicting decisions which it claimed warranted review by this Court. The petition for a writ of certiorari should be denied.

THIS the 14th day of September, 1989.

Respectfully submitted,

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APPENDIX

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 88-4410

JOSEPH F. FRITZ, *et al.*, and
SOUTHERN NATURAL GAS COMPANY,
Petitioners,

versus

FEDERAL ENERGY REGULATORY COMMISSION,
Respondent.

Petition for Review of an Order of the
Federal Energy Regulatory Commission

ON PETITION FOR REHEARING

(September 5, 1989)

Before CLARK, Chief Judge, BROWN and JOHNSON, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing filed in the above entitled and numbered cause by petitioner Southern Natural Gas Co. only be and the same is hereby denied.

ENTERED FOR THE COURT:

/s/ Charles Clark
United States Circuit Judge